

NOTE: This order is nonprecedential.

**United States Court of Appeals
for the Federal Circuit**

SOURCE VAGABOND SYSTEMS LTD.,
Plaintiff-Appellant,

v.

HYDRAPAK, INC.,
Defendant-Appellee.

2012-1408

Appeal from the United States District Court for the
Southern District of New York in case no. 11-CV-5379,
Judge Colleen McMahon.

ON MOTION

O R D E R

Hydrapak, Inc. moves for attorney fees and double its costs on appeal. Source Vagabond Systems Ltd. opposes. Hydrapak, Inc. replies.

Hydrapak, Inc. argues that Source Vagabond Systems Ltd.'s appeal is frivolous. Because Hydrapak, Inc.'s arguments are intertwined with the merits of the appeal,

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we deem the better course is to defer the motion to the merits panel.

Upon consideration thereof,

IT IS ORDERED THAT:

(1) The motion is deferred for consideration by the merits panel assigned to hear this case.

(2) A copy of Hydrapak, Inc's motion, Source Vagabond Systems Ltd.'s opposition, Hydrapak, Inc's reply, and this order shall be transmitted to the merits panel assigned to hear this case.

FOR THE COURT

/s/ Jan Horbaly
Jan Horbaly
Clerk

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